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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/673,213	BIRKHOELZER, THOMAS	
	Examiner	Art Unit	
	ADRIAN L. KENNEDY	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *27 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Examiner's Detailed Office Action

1. This Office Action is responsive to **Amendment After Non Final** filed **September 26, 2008**.

2. This action is hereby made **Non Final**.

3. The examiner withdraws any previous indications of allowable subject matter.

4. **Claims 1-28** will be examined.

Preliminary Examiner Statement

The examiner has found that the presently pending claims 27 and 28 have been added and are substantially different in scope than the originally presented invention.

Election/Restrictions

5. Newly submitted claims 27 and 28 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

   I. Currently pending claims 1-26 are drawn to a system comprising "detecting", "controlling" and "evaluating".

   II. Currently added claims 27 and 28 are drawn to "processing" and "determining", "stipulating", "forming functions", and "delivering", respectively.

While inventions I and II are directed to a related system, the related inventions are distinct if (1) the inventions as claimed are either not capable of being used together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. (MPEP 806.05(j))

In the instant case, the inventions as claimed are directed to materially different systems and different modes of operation and function. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Because these inventions are independent or distinct for the reason given above there would be a serious burden on the examiner if restriction is not required because the invention require a different field of search (MPEP 808.02), restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 27 and 28 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the claimed invention is rejected due to the fact that

it is (1) not tied to another statutory class (such as a particular apparatus), nor does it (2) transform underlying subject matter to a different state or thing.

The claims must to provide a tangible result, and there must be a practical application, by either
1) transforming (physical thing) or
2) by having the FINAL RESULT (not the steps) achieve or produce
a useful (specific, substantial, AND credible),
concrete (substantially repeatable/non-unpredictable), AND
tangible (real world/non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended. A claim that recites a computer that solely calculates a mathematical formula is not statutory.

However, the portions of the opinions in State Street and AT&T relying solely on a "useful, concrete and tangible" result analysis should no longer be relied on. Ex parte Bilski, Appeal No. 2007-1130 (Fed. Cir. October 30, 2008).

The court has said that there's a two-pronged test to determine whether a software of business method process patent is valid: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. In other words, pure software or business method patents that are neither tied to a specific machine nor change something into a different state are not patentable. Ex parte Bilski, Appeal No. 2007-1130 (Fed. Cir. October 30, 2008).

The body of the claims needs to be tied to a statutory class and produce a concrete, useful and tangible result. For example, how is providing output information, observable and useful in the real world?

> [In Abele], we held unpatentable a broad independent claim reciting a process of graphically displaying variances of data from average values. *Abele*, 684 F.2d at 909. **That claim did not specify any particular type or nature of data; nor did it specify how or from where the data was obtained or what the data**

> **represented**. *Id.*; ... In contrast, we held one of Abele's dependent claims to be drawn to patent-eligible subject matter where it specified that "said data is X-ray attenuation data produced in a two dimensional field by a computed tomography scanner." *Abele*, 684 F.2d at 908-09. This data clearly represented physical and tangible objects, namely the structure of bones, organs, and other body tissues. Thus, the transformation of that raw data into a particular visual depiction of a physical object on a display was sufficient to render that more narrowly-claimed process patent-eligible.
>
> … So long as the claimed process is limited to a practical application of a fundamental principle to transform **specific** data, and the claim is limited to a **visual depiction that represents specific physical objects or substances**, there is no danger that the scope of the claim would wholly pre-empt all uses of the principle.
>
> This court and our predecessor court have frequently stated that adding a data-gathering step to an algorithm is insufficient to convert that algorithm into a patent-eligible process. *E.g.*, *Grams*, 888 F.2d at 840 (step of "deriv[ing] data for the algorithm will not render the claim statutory"); *Meyer*, 688 F.2d at 794 ("[data-gathering] step[s] cannot make an otherwise nonstatutory claim statutory"). … **A requirement simply that data inputs be gathered—without specifying how—is a meaningless limit** on a claim to an algorithm because every algorithm inherently requires the gathering of data inputs. *Grams*, 888 F.2d at 839-40. Further, the inherent step of gathering data can also fairly be characterized as **insignificant extra-solution activity**. *See Flook*, 437 U.S. at 590. (See In re Bilski, 88 USPQ2d 1397-1398, emphasis added)

Based on this guidance, examiner finds that the claimed "initiating an activity" does not specify any particular type or nature of activity, nor does it specify what the activity represents – and is therefore a meaningless limit on a claim to an algorithm because every algorithm inherently initiates some form of an "activity" – and this can further be characterized as insignificant extra-solution activity. In re Bilski, 88 USPQ2d 1397-1398 quoting Grams and Flook.

> As a corollary, the *Diehr* Court also held that **mere field-of-use limitations are generally insufficient** to render an otherwise ineligible process claim patent-eligible. *See* 450 U.S. at 191-92 (noting that ineligibility under §101 "cannot be circumvented by attempting to limit the use of the formula to a particular technological environment"). … Pre-emption of all uses of a fundamental principle in all fields and pre-emption of all uses of the principle in **only one field** both indicate that the claim is **not limited** to **a particular application** of the

> principle. *See Diehr*, 450 U.S. at 193 n.14 ("A mathematical formula *in the abstract* is nonstatutory subject matter regardless of whether the patent is intended to cover all uses of the formula or only limited uses.") (emphasis added). …
>
> The *Diehr* Court also reaffirmed a second corollary to the machine-or-transformation test by stating that "insignificant postsolution activity will **not** transform an unpatentable principle into a patentable process." *Id.* at 191-92; *see also Flook*, 437 U.S. at 590 ("The notion that post-solution activity, no matter how conventional or obvious in itself, can transform an unpatentable principle into a patentable process exalts form over substance."). The Court in *Flook* reasoned:
>
> > A competent draftsman could attach some form of post-solution activity to almost any mathematical formula; the Pythagorean theorem would **not** have been patentable, or partially patentable, because a patent application contained a final step indicating that the formula, when solved, could be usefully applied to existing surveying techniques.
>
> 437 U.S. at 590. Therefore, **even if** a claim recites a specific machine or a particular transformation of a specific article, the recited machine or transformation **must not constitute mere "insignificant postsolution activity."** (See In re Bilski, 88 USPQ2d 1393, emphasis added)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 1-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (USPN 6,029,144, referred to as **Barrett**) in view of Karras et al. (USPubN 2002/0138301, referred to as **Karras)**.

Regarding claims 1 and 24:

Barrett teaches,

a first apparatus (Barrett; Column(C) 6, Lines(L) 6-12; EN: Having not further defined the applicant's claimed "first apparatus" in the claimed invention, the examiner has found that the claimed "first apparatus" reads on the policy checker taught by Barrett.) adapted to detect fuzzy process definitions (Barrett; C 6, L 6-12; EN: Having not further defined the applicant's claimed "fuzzy process definitions" in the claimed invention, the examiner has found that the claimed "fuzzy process definitions" read on the policies and rules taught by Barrett.);

a second apparatus (Barrett; C 8, L 9-21; EN: Having not further defined the applicant's claimed "second apparatus" in the claimed invention, the examiner has found that the claimed "second apparatus" reads on the auditor system taught by Barrett.) adapted to control activity stages in a workflow for the purpose of processing the process definitions (Barrett; C 8, L 44-50; EN: The examiner has found that in not further defining the applicant's claimed "control [of] activity stages" in the claimed invention, that the "control [of] activity stages" reads on the management of workflow by the auditor workflow system as taught by Barrett. Furthermore, based on the applicant not teaching what the "control" is based on the examiner asserts that the "control" can be based on input instructions from a human operator and performed by the auditor system as taught by Barrett.); and

means for evaluating the process definitions for each process instance (Barrett; C 8, L 26-29; EN: Having not further defined the applicant's claimed "means" in the claimed invention, the examiner has found that the claimed "means" would have been obvious to one of ordinary skill in the art in light of Barrett teaching the processing (i.e. evaluating)

of policies and rules at each stage of the audit process.), the means for evaluating including a functional stage for initiating an activity associated with an activity stage (Barrett; C 6, L 31-35; EN: The examiner takes the position that in not further defining the applicant's claimed functional stages in the claimed invention, the "initiating of activity" is inherent in Barrett teaching the performing of audits by the policy checker.) and reporting the state of the activity to the second apparatus (Barrett; C 6, L 31-35; EN: The examiner takes the position that the term "approve" is an exemplary embodiment of the reporting of the state of the policy checker audit performed in the invention of Barrett et al., and that he anticipates the applicant's claimed reporting.).

Barrett does not teach the use of hospital or clinical data in a workflow management system.

However, Karras does teach,

The use of hospital or clinical data in a workflow management system (Karras: ¶ 0008).

It would have been obvious tone of ordinary skill in the art at the time of invention to combine the workflow system of Barrett with the healthcare workflow management system of Karras for the purpose of improving healthcare facility workflow (Karras: ¶ 0008).

Regarding claim 2:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses includes an interference machine (Barrett; C 11, L 1-15; EN: The examiner takes the

position Kohonen network acts as a interference machine in the invention of Barrett This "interference" is apparent in the operations of weighting inputs and the delivering (forwarding) of usage pattern statistics (instruction) that are used in later phases (activity stages) to determine which usage patterns have high probability of fraud).

Regarding claim 3:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses includes an interference mechanism, arranged in an interference machine (Barrett; C 13, L 57-59) and in contact with a process instance manager, adapted to forward a signal corresponding to the respective instruction for activities of the activity stages to the process instance manager (EN: The examiner takes the position that the SOM neural network acts as an interference machine. This "interference" is apparent in the operation of creating fraud detection rules that can be used to detect patterns indicative of fraud. Additionally, the examiner takes the position that although not explicitly stated, the existence of a process instance manager is inherent in the process of the auditor workflow system tracking the path of an expense entry through the phases of the audit (C 8, L 26-29)).

Regarding claim 4:

Barrett teaches,

(Previously Amended) The workflow management system wherein the means for evaluating includes a control stage (EN: The examiner takes the position that the auditor system controls process flow according to the rules is apparent in the statement that modifications made to the system by the rules are saved (Barrett; C 8, L 19-21)), supplied with an activity threshold (Barrett; C 14, L 11-14) by an evaluation stage (Barrett; C 14, L 11-14) for the process status and connected to the functional stage for carrying out the activities (EN: The examiner takes the position that although a functional stage for carrying out activities is not explicitly recited, it is inherent in the invention and is apparent in the process of determining if accumulated expense entries exceed a threshold value in Column 14, Lines 11-14), and wherein the functional stage is adapted to forward a signal corresponding to the respective state of the activities of the activity stages to the process instance manager (EN: The examiner takes the position that the process of forward a signal corresponding to the respective state of the activities to the process instance manager is equivalent to the process of forward an employees serial number and entry keys (signals) that indicate possible fraud (respective states of the auditing activities) to an administration system (process instance manager)).

Regarding claim 5:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses is adapted to deliver instructions (Barrett; C 8, L 44-45; EN: The examiner takes the position that in guiding the auditors, the auditor workflow system delivers some form of

instructions) to activities of the activity stages with an associated continuous variable (EN: The examiner takes the position that the continuous variables claimed by the applicant are equivalent to the flags, taught by Barrett, in Column 12, Lines 54-57), the instructions being compared with an activity threshold (Barrett; C 14, L 11-14;) for the control stage and providing corresponding "fuzzy" worklists (Barrett; C 8, L 36-38; "*work lists*"; EN: The examiner takes the position that because the fraud detection process taught by Barrett completes task based on fuzzy rules, it would be inherent for all work list to be fuzzy list. This is apparent because the completion of a task would be dependent on whether certain rules were executed. This is also apparent in the fact that the invention of Barrett continuously modifies rules (Barrett; C 13, L 51-52)) for each activity of the activity stages, which reports its state to the at least one apparatus in the form of continuous variables.

Regarding claim 6:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses includes causal networks (Barrett; C 10, L 52-54; EN: The examiner takes the position that the SOM taught by Barrett is a causal network. This is evident in the fact that based on its analysis of expense patterns (cause) it makes rules (effect) (C 11, L 16-21)).

Regarding claim 7:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses is adapted to operate on the basis of the laws of fuzzy logic (Barrett; C 12, L 54-57; EN: The examiner takes the position that the fuzzy rules define the logic used to process the expense entries, and as a result of the logic rules being "fuzzy", the logic is inherently "fuzzy").

Regarding claim 8:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses is adapted to operate on the basis of the laws of probability-based modeling (Barrett; C 11, L 8-11).

Regarding claim 9:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses is adapted to operate on the basis of the laws of general weighting (Barrett; C 11, L 6-7).

Regarding claim 10:

Barrett teaches,

detecting fuzzy process definitions (Barrett; C 6, L 6-12; EN: Having not further defined the applicant's claimed "fuzzy process definitions" in the claimed invention, the

examiner has found that the claimed "fuzzy process definitions" read on the policies and rules taught by Barrett.);

controlling activity stages in a workflow for the purpose of processing the process definitions (Barrett; C 8, L 44-50; EN: The examiner has found that in not further defining the applicant's claimed "control [of] activity stages" in the claimed invention, that the "control [of] activity stages" reads on the management of workflow by the auditor workflow system as taught by Barrett. Furthermore, based on the applicant not teaching what the "control" is based on the examiner asserts that the "control" can be based on input instructions from a human operator and performed by the auditor system as taught by Barrett.); and

evaluating the process definitions for each process instance (Barrett; C 8, L 26-29; EN: The examiner takes the position that the applicant's claimed "evaluating" reads on Barrett teaching the processing (i.e. evaluating) of policies and rules at each stage of the audit process.), the evaluating including at least initiating an activity associated with an activity stage (Barrett; C 6, L 31-35; EN: The examiner takes the position that in not further defining the applicant's claimed functional stages in the claimed invention, the "initiating of activity" is inherent in Barrett teaching the performing of audits by the policy checker.) and reporting the state of the activity to be used in controlling the activity stages (Barrett; C 6, L 31-35; EN: The examiner takes the position that the term "approve" is an exemplary embodiment of the reporting of the state of the policy checker audit performed in the invention of Barrett et al., and that he anticipates the applicant's claimed reporting.).

Barrett does not teach the use of hospital or clinical data in a workflow management system.

However, Karras does teach,

The use of hospital or clinical data in a workflow management system (Karras: ¶ 0008).

It would have been obvious tone of ordinary skill in the art at the time of invention to combine the workflow system of Barrett with the healthcare workflow management system of Karras for the purpose of improving healthcare facility workflow (Karras: ¶ 0008).

Regarding claim 11:

Barrett teaches,

(Original) The method wherein the continuous mapping operations are performed using at least one of fuzzy rules and relations (Barrett; C 12, L 54-57; EN: The examiner takes the position that the use of fuzzy rules to identify expenses as fraud (relate expenses to fraud), in the invention Barrett, anticipates applicant's claimed invention).

Regarding claim 12:

Barrett teaches,

(Original) The method wherein the continuous mapping operations are performed on the basis of the rules of fuzzy logic (Barrett; C 12, L 54-57; EN: The examiner takes the position that the fuzzy rules define the logic used to process the expense entries, and as a result of the logic rules being "fuzzy", the logic is inherently "fuzzy").

Regarding claim 13:

Barrett teaches,

(Original) The method wherein the continuous mapping operations are performed on the basis of the rules of probability-based modeling (Barrett; C 11, L 8-11).

Regarding claim 14:

Barrett teaches,

(Original) The method wherein the continuous mapping operations are performed on the basis of the rules of control systems (Barrett; C 8, L 44-45) with priority weighting (Barrett; C 14, L 21-23; EN: The examiner takes the position that priority weighting claimed by the applicant and the priority ranking taught by Barrett are equivalent and as a result Barrett anticipates applicant's claimed invention.

Regarding claim 15:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses includes an interference mechanism, arranged in an interference machine (Barrett; C 13, L 57-59) and in contact with a process instance manager, adapted to forward a signal corresponding to the respective instruction for activities of the activity stages to the process instance manager (EN: The examiner takes the position that the SOM neural network acts as an interference machine. This "interference" is apparent in the operation

of creating fraud detection rules that can be used to detect patterns indicative of fraud. Additionally, the examiner takes the position that although not explicitly stated, the existence of a process instance manager is inherent in the process of the auditor workflow system tracking the path of an expense entry through the phases of the audit (Barrett; C 8, L 26-29)).

Regarding claim 16:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses is adapted to deliver instructions (Barrett; C 8, L 44-45; EN: The examiner takes the position that in guiding the auditors, the auditor workflow system delivers some form of instructions) to activities of the activity stages with an associated continuous variable (EN: The examiner takes the position that the continuous variables claimed by the applicant are equivalent to the flags, taught by Barrett, in Column 12, Lines 54-57), the instructions being compared with an activity threshold (Barrett; C 14, L 11-14; "*threshold value*") for the control stage and providing corresponding "fuzzy" worklists (Barrett; C 8, L 36-38; EN: The examiner takes the position that because the fraud detection process taught by Barrett completes task based on fuzzy rules, it would be inherent for all work list to be fuzzy list. This is apparent because the completion of a task would be dependent on whether certain rules were executed. This is also apparent in the fact that the invention of Barrett continuously modifies rules (Barrett; C 13, L 51-52))

for each activity of the activity stages, which reports its state to the at least one apparatus in the form of continuous variables.

Regarding claim 17:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses is adapted to deliver instructions (Barrett; C 8, L 44-45; EN: The examiner takes the position that in guiding the auditors, the auditor workflow system delivers some form of instructions) to activities of the activity stages with an associated continuous variable (EN: The examiner takes the position that the continuous variables claimed by the applicant are equivalent to the flags, taught by Barrett, in Column 12, Lines 54-57), the instructions being compared with an activity threshold (Barrett; C 14, L 11-14) for the control stage and providing corresponding "fuzzy" worklists (Barrett; C 8, L 36-38; EN: The examiner takes the position that because the fraud detection process taught by Barrett completes task based on fuzzy rules, it would be inherent for all work list to be fuzzy list. This is apparent because the completion of a task would be dependent on whether certain rules were executed. This is also apparent in the fact that the invention of Barrett continuously modifies rules (Barrett; C 13, L 51-52)) for each activity of the activity stages, which reports its state to the at least one apparatus in the form of continuous variables.

Regarding claim 18:

Barrett teaches,

(Original) The workflow management system wherein at least one of the apparatuses is adapted to deliver instructions (Barrett; C 8, L 44-45; EN: The examiner takes the position that in guiding the auditors, the auditor workflow system delivers some form of instructions) to activities of the activity stages with an associated continuous variable (EN: The examiner takes the position that the continuous variables claimed by the applicant are equivalent to the flags, taught by Barrett, in Column 12, Lines 54-57), the instructions being compared with an activity threshold (Barrett; C 14, L 11-14) for the control stage and providing corresponding "fuzzy" worklists (Barrett; C 8, L 36-38; EN: The examiner takes the position that because the fraud detection process taught by Barrett completes task based on fuzzy rules, it would be inherent for all work list to be fuzzy list. This is apparent because the completion of a task would be dependent on whether certain rules were executed. This is also apparent in the fact that the invention of Barrett continuously modifies rules (Barrett; C 13, L 51-52)) for each activity of the activity stages, which reports its state to the at least one apparatus in the form of continuous variables.

Regarding claim 19:

Barrett teaches,

(Original) The method wherein the continuous mapping operations are performed on the basis of the rules of fuzzy logic (Barrett; C 12, L 54-57; EN: The examiner takes the

position that the fuzzy rules define the logic used to process the expense entries, and as a result of the logic rules being "fuzzy", the logic is inherently "fuzzy").

Regarding claim 20:

Barrett teaches,

(Original) The method wherein the continuous mapping operations are performed on the basis of the rules of probability-based modeling (Barrett; C 11, L 8-11).

Regarding claim 21:

Barrett teaches,

(Original) The method wherein the continuous mapping operations are performed on the basis of the rules of fuzzy logic (Barrett; C 12, L 54-57; EN: The examiner takes the position that the fuzzy rules define the logic used to process the expense entries, and as a result of the logic rules being "fuzzy", the logic is inherently "fuzzy").

Regarding claim 22:

Barrett teaches,

(Currently Amended) The method wherein the continuous mapping operations are performed on the basis of the rules of fuzzy logic (Barrett; C 12, L 54-57; EN: The examiner takes the position that the fuzzy rules define the logic used to process the expense entries, and as a result of the logic rules being "fuzzy", the logic is inherently "fuzzy").

Regarding claim 23:

Barrett teaches,

> (Original) The method wherein the continuous mapping operations are performed on the basis of the rules of probability-based modeling (Barrett; C 11, L 8-11).

Regarding claim 25:

Barrett teaches,

> (New) The workflow management system wherein the first and second apparatuses are separate and discrete apparatuses (Barrett; FIG 2; EN: The examiner takes the position that in teaching the policy checker and the audit workflow system being 2 distinct inventions items, that it is inherent that they are "separate and distinct apparatuses".).

Response to Arguments

Applicant's arguments filed on September 26, 2008 have been fully considered. However, in light of the newly amended claims, the examiner has submitted a new grounds of rejection as set forth above.

Conclusion

Examiner's Opinion:

> The examiner has considered the applicant's arguments in light of the claimed invention. Furthermore, the examiner respectfully reminds the applicant that "**during examination,**

the claims must be interpreted as broadly as their terms reasonably allow". (MPEP 2111.01 [R-5] I)

It is the goal of the Examiner to move the applicant's claimed invention towards allowability. However, as presently claimed, the applicant's claimed invention is substantially broad and is broad enough to read on the prior art of record. The examiner respectfully request that the applicant consider what the invention is, and where the line between the prior art (cited by the examiner and/or known by the applicant) and the applicant's intended invention lay. This request is made so the examiner can help the applicant arrive at claim language that not only traverses the language taught in the presently pending and/or previously disclosed prior art, but also traverses concepts taught (or suggested) in prior art known by the examiner and/or applicant which has not been cited. Also, the examiner is more than willing to have an interview with applicant, but requests that the applicant disclose what he or she considers to be the most inventive portion of the claimed and/or disclosed invention.

- Regarding the applicant's claimed invention in regards to 101, the examiner has found that the applicant's claimed invention does not produce a concrete, useful and tangible result. Furthermore, the examiner asserts that the body of the claims must produce a concrete useful and tangible result.

  Additionally, the examiner asserts that "status management" is a practical application, but is not a tangible result. Furthermore, in order to qualify as a tangible result, said

"status management" must be easily recognizable as effecting something in the real world.

- Regarding the applicant's claimed invention in general, it is not clear from the claimed invention whether the "activities" being initiated are real world activities. Furthermore, it is the examiner's opinion that the tangibility of the workflow management system may lay in the examiner's assumption that real world activities are managed (i.e. controlled) using the applicant's claimed system. However, There are currently no explicit definition to rely on in the disclosed invention. Should this be the case and should there be recitations to this effect in the claims, the examiner would withdraw any rejections based on the final product of the claimed invention not being tangible.

  Additionally, it is not clear what it is you are managing the "status" of in the claimed invention.

- The examiner respectfully requests that should the applicant submit further correspondence, that the applicant contact the examiner to schedule an interview with the applicant's representative and/or the applicant. This is done in an effort to facilitate compact prosecution.

Should the applicant choose to amend, the Examiner respectfully suggests that the applicant more explicitly recite what the applicant considers to be the most novel portion

of the disclosed invention in the claimed invention. (The previously cited suggestions are not a recitation of allowable subject matter, but are rather subject matter disclosed/claimed by the applicant which will help further distinguish the claimed invention from the prior art. Furthermore, any amendment will require further searching of the prior art.).

Claims 1-28 are rejected.

Claims 27 and 28 are withdrawn from consideration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrian L. Kennedy whose telephone number is (571) 270-1505. The examiner can normally be reached on Mon -Fri 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ALK/

/David R Vincent/

Supervisory Patent Examiner,

Art Unit 2129